

Attorney or Party without Attorney: Joseph H. Weiss, Esq. Weiss & Lurie 551 Fifth Avenue New York, NY 10176 Telephone No: 212-682-3025 FAX No: 212-682-3010				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: United States District Court - Southern District Of New York					
Plaintiff: Michael Rubin, et al. Defendant: SemGroup Energy Partners, L.P. et al.					
AFFIDAVIT OF SERVICE Summons/Complaint		Hearing Date:	Time:	Dept/Div:	Case Number: 08CV7063

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the Summons in a Civil Action; Class Action Complaint; Related Case Affirmation

3. a. Party served: Merrill Lynch Pierce Fenner & Smith Incorporated
 b. Person served: Paula Kash, Person Authorized to Accept Service

4. Address where the party was served: C T Corporation
 111 Eighth Street
 New York, NY 10011

5. I served the party:
 a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Fri., Aug. 15, 2008 (2) at: 12:50PM

7. Person Who Served Papers:

- a. Bobby Ali
 b. Class Action Research & Litigation
 P O Box 740
 Penryn, CA 95663
 c. (866) 663-9590, FAX (866) 663-4955

Fee for Service:

I Declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

08-20-08
 (Date)

(Signature)

8. SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State.

My Commission Expires 02/03/10
 (Date)

MICHAEL KEATING
 Notary Public, State of New York
 Reg. No. 01-KE-4851559
 Qualified in New York County
 Commission Expires February 3, 2010

AFFIDAVIT OF SERVICE
Summons/Complaint

(Notary Public)

jowei.103910

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Michael Rubin, Individually and On Behalf of All
Others Similarly Situated,

SUMMONS IN A CIVIL ACTION

V.

SemGroup Energy Partners, L.P., SemGroup
Energy Partners G.P., LLC, SemGroup Holdings
L.P., Kevin L. Foxx, (see attachment)

CASE NUMBER

08 CV 7063

TO: (Name and address of Defendant)

(SEE ATTACHED LIST OF DEFENDANTS)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Weiss & Lurie
551 Fifth Avenue
New York, NY 10176

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

AUG 08 2008

DATE

(By) DEPUTY CLERK

Catherine L. Loring

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

Rubin v. SemGroup Energy Partners, L.P., et al.

Complete List of Defendants

SEMGROUP ENERGY PARTNERS, L.P., SEMGROUP ENERGY PARTNERS G.P. LLC,
SEMGROUP HOLDINGS L.P., KEVIN L. FOXX, MICHAEL J. BROCHETTI, ALEX G.
STALLINGS, THOMAS L. KIVISTO, GREGORY C. WALLACE, W. ANDERSON BISHOP,
BRIAN F. BILLINGS, CITIGROUP GLOBAL MARKETS INC., MERRILL LYNCH, PIERCE,
FENNER & SMITH INCORPORATED and LEHMAN BROTHERS, INC.,

Defendants.

Rubin v. SemGroup Energy Partners, L.P., et al.

Summons Attachment

Semgroup Energy Partners, L.P.
Semgroup Energy Partners G.P., LLC
Semgroup Holdings L.P.
Kevin L. Foxx
Michael J. Brochetti
Alex G. Stallings
Thomas L. Kivisto
Gregory C. Wallace
W. Anderson Bishop
Brian Billings
c/o Semgroup Energy Partners LP
Two Warren Place
6120 South Yale Avenue
Suite 500
Tulsa, OK 74136

Citigroup Global Markets, Inc.
388 Greenwich St.
New York, NY 10013

Merrill Lynch Pierce Fenner & Smith Incorporated
c/o Merrill Lynch & Co., Inc.
4 World Financial Center
250 Vesey Street
New York, NY 10080

Lehman Brothers, Inc.
1271 Avenue of the Americas
44th Floor
New York, NY 10020